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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 ELDON W. HOLCK and JACQUELINE M.
14 HOLCK, husband and wife

15 Plaintiffs,

16 v.

NO.

COMPLAINT FOR DAMAGES

JURY DEMAND

17 **CARRIER CORPORATION;**
18 **CBS CORPORATION**, a Delaware
19 corporation, f/k/a VIACOM, INC., successor
20 by merger to CBS CORPORATION, a
21 Pennsylvania corporation, f/k/a
22 WESTINGHOUSE ELECTRIC
23 CORPORATION;
CLA-VAL;
GENERAL ELECTRIC COMPANY;
IMO INDUSTRIES, INC., individually and as
successor-in-interest to DE LAVAL
TURBINE, INC.;
INGERSOLL-RAND COMPANY;
METROPOLITAN LIFE INSURANCE
COMPANY;
NORTHERN PUMP, Division of MCNALLY

- 1
No.

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INDUSTRIES, LLC;
SABERHAGEN HOLDINGS, INC.;
SALMON BAY SAND AND GRAVEL
COMPANY;
VELAN VALVE CORPORATION; and
WARREN PUMPS, LLC., Individually and as
successor in interest to QUIMBY PUMP
COMPANY,

Defendants.

I. PARTIES

1.1 Plaintiffs Eldon W. Holck and Jacqueline M. Holck, husband and wife, reside in Forest Grove, Oregon.

1.2 The defendants are corporations incorporated and with their principal places of business outside the State of Oregon.

1.3 Defendants and/or their predecessors-in-interest are corporations that, at all times relevant herein, manufactured and sold products with asbestos-containing components, which were designed and intended to be used in conjunction with asbestos-containing insulation, and that would not function as designed without the use of the asbestos-containing components and asbestos-containing insulation.

II. JURISDICTION

2.1 This court has diversity jurisdiction over the above-captioned cause because the amount in controversy exceeds \$100,000 and Plaintiffs and Defendants are residents of different states. Venue in this Court is proper under 28 U.S.C. § 1391 (2).

III. FACTS

3.1 Plaintiff Eldon W. Holck (DOB: June 7, 1946; SSN: ***-**-7257) worked as a boiler technician from 1965 to 1969, while serving in the U.S. Navy aboard the USS Kitty Hawk

1 and was exposed to asbestos-containing materials, including thermal insulation, refractory
 2 cements, gaskets and packing, were manufactured by, sold by, or incorporated into equipment
 3 manufactured by the defendants. Mr. Holck rejoined the Navy in 1975, and served as a boiler
 4 tender aboard the USS Dixon (1975-1977) and the USS Halsey (1977-1981), and was similarly
 5 exposed to asbestos on both vessels.

6 3.2 Mr. Holck has been diagnosed with mesothelioma, a cancer of the lining of the
 7 lung, caused by his exposures to asbestos manufactured by, sold by, or incorporated into
 8 equipment manufactured by the defendants. This disease is terminal.

9 **IV. LIABILITY**

10 4.1 Plaintiffs' claims against the equipment manufacturers are based upon negligence
 11 and strict product liability under Section 402A of the Restatement of Torts. The liability-
 12 creating conduct of defendants consisted, inter alia, of negligent and unsafe design; failure to
 13 inspect, test, warn, instruct, monitor and/or recall; failure to substitute safe products; marketing
 14 or installing unreasonably dangerous or extra-hazardous and/or defective products; marketing or
 15 installing products not reasonably safe as designed; marketing or installing products not
 16 reasonably safe for lack of adequate warning and marketing or installing products with
 17 misrepresentations of product safety.

18 **V. DAMAGES**

19 5.1 As a proximate result of defendants' negligence and/or product liability, plaintiff
 20 Eldon W. Holck has sustained pain, suffering and disability in an amount not now known, but
 21 which will be proven at trial. Plaintiff Eldon W. Holck also sustained medical expenses,
 22 economic losses in an amount to be proven at trial. Plaintiff Jacqueline M. Holck has sustained
 23 loss of spousal relationship as a result of Eldon W. Holck's illness.

1 WHEREFORE, plaintiffs pray for judgment against the defendants and each of them as
2 follows:

- 3 1. For general and special damages specified above, including pain, suffering, loss
4 of spousal relationship disability;
- 5 2. For medical and related expenses economic loss, all of which will be proven at
6 the time of trial;
- 7 3. For plaintiffs' costs and disbursements herein;
- 8 4. For prejudgment interest in the amount to be proven at trial; and
- 9 5. For such other relief as the Court deems just.

10 DATED this 11th day of October, 2013.

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12 BERGMAN DRAPER LADENBURG

13
14 /s/ Glenn S. Draper
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